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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,596	11/14/2001	Mario P. Manfre	FDC 0164 PUS	9962
22045 7590 09/19/2007 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER CHANDLER, SARA M	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/992,596	MANFRE ET AL.	
	Examiner	Art Unit	
	Sara Chandler	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/24/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/992,596 (11/14/01) filed on 07/24/07.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 1 and 14: The terms "eligibility" and "eligible" in claims 1 and 14 render the claim indefinite. The terms are not defined by the claim and thus it is unclear which transactions are or are not subject to the claim limitations.

Re Claims 19 and 21: The term "sufficient" in claims 19 and 21 renders the claims indefinite. The term is not defined by the claims and thus it is unclear which transactions are or are not subject to the claim limitations.

Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. It is unclear from prior claim limitations what transaction decision is referred to? Also, how is the transaction processed and settled?

Dependent claims 2-9 and 15-16 are rejected based on the same rationale and claims 1 and 14.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9, 14-16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson, US Pat. No. 5,053,607 in view of Nichols, US Pub. No. 2001/0037299.

Re Claims 1-4: Carlson discloses a method for processing a check transaction, the method comprising:

receiving transaction information that is transmitted by a terminal (Carlson, abstract, Figs. 1-7; col. 1, line 1+ - col. 5, line 10; col. 6, line 38 – col. 9, line 46; col. 13, line 44+ - col. 16, line 18; col. 22, lines 34+ - col. 25, line 17)

The following term has been defined by the claims and has been given it's broadest reasonable interpretation: Terminal- any device through which data can be entered or displayed. See MPEP § 2111.;

Carlson fails to explicitly disclose:

determining eligibility of the transaction for payment via a bank;
providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account; and
receiving an electronic response packet that is transmitted by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account.

Nichols discloses:

determining eligibility of the transaction for payment via a bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]);
providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084])

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111;

and

receiving an electronic response packet that is transmitted by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not

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the check transaction is to proceed with payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084])

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carlson by adopting the teachings of Nichols to provide a method further comprising: determining eligibility of the transaction for payment via a bank account; providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account; and receiving an electronic response packet that is transmitted by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account. One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Re Claim 5: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 6: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses providing an electronic confirmation of receipt of the response packet that is transmitted to the terminal (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 7: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses receiving a settlement request, and settling the transaction in response to the settlement request (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 8: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses wherein the step of receiving a settlement request occurs simultaneously with the step of receiving an electronic response packet (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 9: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses wherein the step of receiving a settlement request occurs after the step of receiving an electronic response packet (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 18: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses wherein the step of determining eligibility includes determining eligibility based on rules of one of an authorization host and a financial institution (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 19: Carlson in view of Nichols discloses the claimed method supra and Nichols further discloses wherein the step of determining eligibility includes determining if sufficient funds exist in the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 14: Carlson discloses a computer system for processing a check transaction initiated by a terminal, the computer system comprising:

instructions for determining eligibility of the transaction for payment via a bank account (Carlson, abstract, Figs. 1-7; col. 1, lin 1+ - col. 5, line 10; col. 6, line 38 – col. 9, line 46; col. 13, line 44+ - col. 16, line 18; col. 22, lines 34+ - col. 25, line 17);

The following term has been defined by the claims and has been given it's broadest reasonable interpretation: Terminal- any device through which data can be entered or displayed. See MPEP § 2111.

Carlson fails to explicitly disclose:

instructions for determining eligibility of the transaction for payment via a bank account; instructions for generating an electronic authorization response that is communicated to the terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account; and instructions for receiving an electronic response packet provided by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account.

Nichols discloses:

instructions for determining eligibility of the transaction for payment via a bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]);

instructions for generating an electronic authorization response that is communicated to the terminal, the authorization response including a unique transaction identifier

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if the transaction is eligible for payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084])

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111.;

and instructions for receiving an electronic response packet provided by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111.

Intended Use: The claims make several intended use statements which do not carry patentable weight (i.e., “a system for”; “instructions for”). What follows the statement of intended use (i.e., “for”) does not carry patentable weight. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carlson by adopting the teachings of Nichols to provide: instructions for determining eligibility of the transaction for payment via a bank account; instructions for generating an electronic authorization response that is communicated to the terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account;

and instructions for receiving an electronic response packet provided by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding payment via the bank account. One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Re Claim 15: Carlson in view of Nichols discloses the claimed system supra and Nichols further discloses

instructions for storing the authorization response in an authorization response file (Nichols, abstract; Figs. 1-7; [0001] – [0084]),

instructions for storing the response packet in a response packet file (Nichols, abstract; Figs. 1-7; [0001] – [0084]), and

instructions for comparing the response packet file with the authorization response file prior to settling the transaction (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 16: Carlson in view of Nichols discloses the claimed system supra and Nichols further discloses instructions for providing an electronic confirmation of receipt of the response packet to the terminal (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 20: Carlson in view of Nichols discloses the claimed system supra and Nichols further discloses wherein the instructions for determining eligibility include instructions for determining eligibility based on rules of one of an authorization host and a financial institution (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

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Re Claim 21: Carlson in view of Nichols discloses the claimed system supra and Nichols further discloses wherein the instructions for determining eligibility include instructions for determining if sufficient funds exist in the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

Re Claim 22: Carlson discloses a method for processing a check transaction, the method comprising:

receiving transaction information that is transmitted by a terminal (Carlson, abstract, Figs. 1-7; col. 1, lin 1+ - col. 5, line 10; col. 6, line 38 – col. 9, line 46; col. 13, line 44+ - col. 16, line 18; col. 22, lines 34+ - col. 25, line 17)

The following term has been defined by the claims and has been given it's broadest reasonable interpretation: Terminal- any device through which data can be entered or displayed. See MPEP § 2111;

Carlson fails to explicitly disclose:

determining eligibility of the transaction for payment via a bank account, wherein the step of determining eligibility includes determining if sufficient funds exist in the bank account;

providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier when the transaction is determined to be eligible for payment via the bank account;

receiving an electronic response packet that is transmitted by the terminal when the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the

check

transaction is to proceed with payment via the bank account;

receiving a settlement request;

and settling the transaction in response to the settlement request.

Nichols discloses:

determining eligibility of the transaction for payment via a bank account, wherein the step of determining eligibility includes determining if sufficient funds exist in the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084]);

providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier when the transaction is determined to be eligible for payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084])

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111.;

receiving an electronic response packet that is transmitted by the terminal when the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Nichols, abstract; Figs. 1-7; [0001] – [0084])

Optional Language: The phrase “if” is optional language, and thus there is not a positive limitation recited. See MPEP § 2106 II C; See MPEP § 2111.;

receiving a settlement request (Nichols, abstract; Figs. 1-7; [0001] – [0084]);

and settling the transaction in response to the settlement request (Nichols, abstract; Figs. 1-7; [0001] – [0084]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carlson by adopting the teachings of Nichols to provide: determining eligibility of the transaction for payment via a bank account, wherein the step of determining eligibility includes determining if sufficient funds exist in the bank account; providing an electronic authorization response that is transmitted to the terminal, the authorization response including a unique transaction identifier when the transaction is determined to be eligible for payment via the bank account; receiving an electronic response packet that is transmitted by the terminal when the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account; receiving a settlement request; and settling the transaction in response to the settlement request. One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Claim Interpretation

The following is guidance on how the claims have been interpreted and where support for the interpretation can be found.

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for _____"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for _____"), but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as "*if, may, might, can could*", as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as "*wherein, whereby*", that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

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The terms "eligible" "eligibility" etc. render the claim indefinite because it implies there is some standard which determines that some transactions are included and some

transactions are excluded however, what that standard is unclear. Without a standard, any standard could apply. If a stringent standard was applied, all transactions could be excluded as ineligible. If a lenient standard was applied, all transactions could be included as eligible. This is a critical feature because some of the claim limitations are optional. In other words, whether or not these limitations are required is dependent upon whether the transaction is "eligible". As shown, without any standard being given for what would qualify as an "eligible" transaction, a standard could be applied in which no transaction would ever be "eligible" and thus these optional limitations would never occur.

The indefiniteness of the claimed invention is not cured by the dependent claims which define "eligible" transactions as those with "sufficient" funds. What is "sufficient" is also relative and no standard has been given as what "sufficient" funds are. Consider the following examples. Example 1: Some banks provide overdraft protection to their checking account customers. In this situation, a check could be processed that would result in a negative balance in the account. Example 2: Some banks do not provide overdraft protection and do not require a minimum balance. In this situation, a check could be processed as long as is greater than or equal to the amount of money in the account. In this case the resulting balance is at least zero. Example 3: Some banks require minimum balances for their accounts. What the minimum balance is can change depending on the bank and or account. In this case a check could be processed as long as the resulting balance is some value in excess of zero (i.e., at least the minimum balance). These examples demonstrate that both the meaning of the term

"sufficient" is indefinite and that one of ordinary skill in the art would not know it's meaning.

The claimed invention is considered to be missing essential steps because the preamble of the claim indicates that the invention is directed to processing a check however, this objective is never accomplished by the claimed invention. Settlement is the ultimate result of a check processing transaction yet the claimed invention (i.e., as recited in independent claims 1 and 14) does not do this. In other words, how can a check be processed without settlement? Also, all steps required for the processing are not clearly identified. For example, all the claim limitations would only apply in the situation where the transaction is eligible. What if the transaction is not eligible. As discussed supra in a situation where stringent standards were applied and no transactions were eligible, several of the claim limitations would not occur and a result would never be achieved.

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Carlson discloses receiving transaction information that is transmitted by a terminal;

For example:

A check processing device is particularly adapted for retailer/customer use at the point-of-sale through use of a MICR read head means, printer means and keypad means which feed information into a CPU which communicates through an existing telecommunications system.....(Carlson, abstract)

Nichols discloses determining eligibility of tile transaction for payment via a bank account; providing an electronic authorization response that is transmitted to the

terminal, the authorization response including a unique transaction identifier if the transaction is eligible for payment via the bank account;

For example:

Authorization- This service supports electronic communication from point-of-sale to the system's central computer. The data center stores positive and negative files concerning consumer accounts thereby providing accurate inquiry responses regarding the current posting status of a consumer's banking account and signaling the system subscriber that said account may be reasonably relied upon for consummating a Transaction Event (i.e., an "Approval") or, here listed as delinquent indicating that the account may not be so relied upon (i.e., a "Denial"). The system also contemplates "On-line" services that would also permit Fund Verification. (Nichols, [0023])

Nichols discloses receiving an electronic response packet that is transmitted by the terminal if the transaction is eligible for payment via the bank account, the response packet including the unique transaction identifier and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account.

Instances will arise where previously "Approved" Transaction Events will require the operational equivalent of a "Void" or "Credit" procedure. The system of the present invention enables communication by a service subscriber with the central computers to effect such corrective adjustments to prior events. By way of example, a "Void" may be initiated by depressing the assigned key on a service subscriber's POS terminal and, once complying with security prompts, the POS terminal will thereafter communicate with the system's central computers and make such requested corrections. In the event of a "Voided" Transaction Event, a separate "Voided" slip will be automatically printed as a permanent record.

Although certain terminology in the claimed invention is not considered to be indefinite, the language is subject to broad interpretation. For example the term "terminal" could be any device through which data can be entered or displayed. In Carlson and Nichols, the terminal happens to be a Point of Sale (POS) but, it is not

required to be. It is noted however, that a POS is consistent with Applicant's specification which states:

The system 10 includes one or more transaction initiating terminals, such as a point of sale (POS) terminal 12 and a personal computer 14. (Applicants Specification, pg. 4, lines 22-23).

The term "unique transaction identifier" is also subject to broad interpretation. It can literally be anything that could identify a transaction in commerce. For example in the context of check processing transactions, something as simple as the check number could be used. In a check processing transaction, the identity of the customer, routing number, account number etc. would all be known and identifying the check number of the corresponding transaction would be sufficient to identify the transaction. Nichols for example recites:

A second unique identifier is assigned to distinguish an individual Transaction Event approved by the system. (Nichols, [0080])

It is also contemplated that under certain circumstances, the check number can be used in lieu of a unique identifier to effect settlement and credit of the Transaction Event. (Nichols, [0080])

Given the broad interpretation that can be afforded the claims, Applicant may wish to review the references made of record in the current office action and prior office actions as well. The invention as presently claimed requires nothing more than any person via a device submitting information regarding a check to be processed; an authorizing entity considering the information and responding with a authorization decision for the corresponding transaction; and any person via the device sending back

a return response that would indicate a decision to continue or discontinue the transaction.

The following is advice that may help advance prosecution. The following should be incorporated into every single independent claim:

1. a. What makes a transaction eligible? Does the customer matter (i.e., Bank customer or authorized user? Established customer or first-time customer?)? Does the amount of money in the account matter?
- b. What makes the funds sufficient?
- c. Are these considerations determined by bank rules or something else? If so, include it in every single independent claim.
2. Define what terminal means? Define what unique transaction identifier means? If not defined, these terms will be given their broadest reasonable interpretation.
3. Claim limitations as steps that must be performed. If applicant prefers to claim the invention using optional or conditional language, provide for all alternatives. If not addressed, the corresponding limitations will be interpreted as not required. Similar considerations should be included in the dependent claims.
4. Include all essential steps particularly, the settlement of the check transaction.
5. In the system claims, applicant should focus on the structural components of the claimed invention and how they are working together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references relate to check and bill processing via a network.

("20010032183"|"20010044764"|"20040158522"|"6560581"|"6661910").PN.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

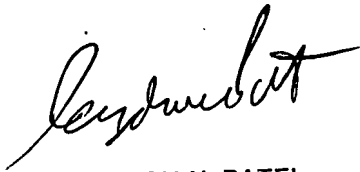
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SMC

A handwritten signature in black ink, appearing to read 'Jagdish N. Patel', is written over a horizontal line.

JAGDISH N. PATEL
PRIMARY EXAMINER